

REMARKS

This application contains claims 1-16, the status of which is as follows:

- (a) Claims 2-10 and 12-15 are as originally filed.
- (b) Claims 1, 11, and 16 were previously presented.

Reconsideration is respectfully requested.

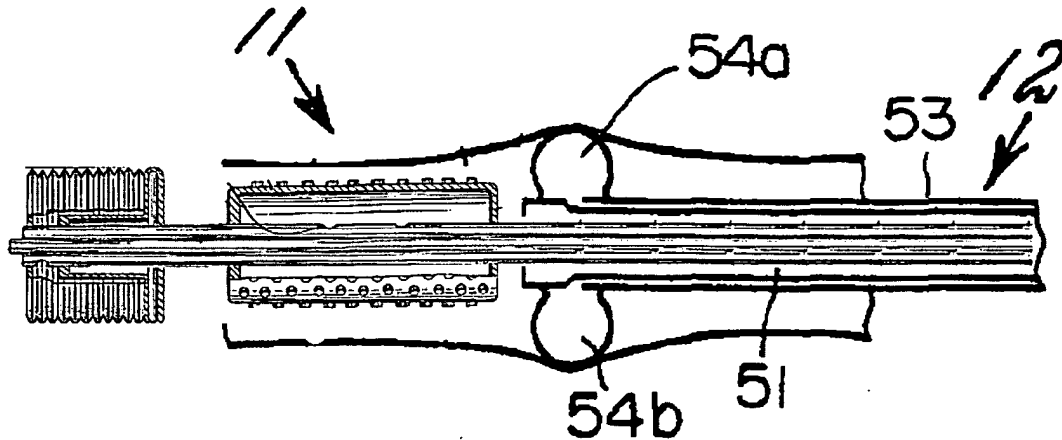
Claim rejections under 35 U.S.C. 103

Claims 1-7 and 11-15 were rejected under 35 U.S.C. 103(a) over US Patent 3,895,637 to Choy in view of US Patent Application Publication 2003/0153866 to Long et al., in view of US Patent 4,040,413 to Ohshiro. Claims 8-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Choy in view of Long in view of Ohshiro and further in view of US Patent 5,353,807 to DeMarco.

Applicant respectfully traverses these rejections. A combination of the references by one of ordinary skill in the art would not reasonably yield an apparatus having all of the elements recited in independent claims 1 and 11. The combination would lack the recited gastrointestinal tool formed with a bore through which the guidewire passes.

The Examiner admits that neither Choy nor Long discloses "that the guidewire is slidably disposed within the bore of the gastrointestinal tool and the gastrointestinal tool slides over the guidewire" (paragraph 9 of the office action). The Examiner however asserts that Ohshiro teaches "that a guidewire (51) slidably disposed within a bore of gastrointestinal tool (53) and the gastrointestinal tool slides over the guidewire (as best seen in Figures 5-6)" (paragraph 9 of the office action).

Applicant has produced the following figure by substituting Choy's "advancing section 11" and "tubular member 12" for Ohshiro's balloons 52a and 52b and inner sleeve 51, as suggested by the Examiner.



As can be seen in this figure, Ohshiro's outer sleeve 53 would serve no useful purpose in this combination. Ohshiro's stated purpose of both outer sleeve 53 and inner sleeve 51 is "to facilitate the insertion of the endoscope into the body cavity" (col. 2, lines 8-9) using balloons. Ohshiro describes in detail with reference to Figs. 5 and 6 how the sleeves facilitate this insertion, including: "When the endoscope is inserted in a body cavity, the balloons 52a and 52b of the inner sleeve 51 and the balloons 54a and 54b of the outer sleeve 53 are alternately inflated and deflated and the inner sleeve 51 and the outer sleeve 53 are alternately advanced into the body cavity 56" (col. 4, lines 38-43).

Once provided with Choy's advancing section 11, Ohshiro would no longer have any need for outer sleeve 53, the stated purpose of which is to provide balloons 54a and 54b for advancing the endoscope. One of ordinary skill in the art thus would have no reason to retain outer sleeve 53 once Choy's advancing section 11 is used instead. In particular, Ohshiro would have no reason to retain the outer sleeve for passing an imaging or other tool therethrough, because Ohshiro explicitly states that the fiber optical bundle of his imaging tool is provided in inner sleeve 51: "the inner sleeve 51 including the fiber optical light transmitting bundle" (col. 4, lines 67-68). Ohshiro neither teaches nor suggests that outer sleeve 53 might include such tool functionality, and there would be no need for the outer sleeve to do so, given the presence of service tube 17 of Choy's tubular member 12, which provides this functionality originally

provided by Ohshiro's inner sleeve. Furthermore, balloons 54a and 54b would be superfluous, and it would clearly be unreasonable to suggest the retention of outer sleeve 53 but without balloons 54a and 54b.

Thus, the combination of Choy and Ohshiro would not include outer sleeve 53, which the Examiner correlated with the gastrointestinal tool recited in claims 1 and 11. The combination therefore fails to include all of the elements recited in claims 1 and 11. Long does not make any further contribution to the combination. Applicant thus respectfully submits that claims 1 and 11 are not obvious in light of Choy, Long, and Ohshiro. Claims 2-10 and 12-15 depend from these allowable claims, and thus are also in a condition for allowance.

Claim 16 was rejected under 35 U.S.C. 103(a) as being unpatentable over Choy in view of Long. As discussed above, the Examiner admitted that neither Choy nor Long discloses "that the guidewire is slidably disposed within the bore of the gastrointestinal tool and the gastrointestinal tool slides over the guidewire" (paragraph 9 of the office action). Claim 16 recites "sliding a gastrointestinal tool over and relative to said guidewire such that said guidewire passes through a bore of said gastrointestinal tool" (emphasis added). Therefore, by the Examiner's own admission with regard to claims 1 and 11, claim 16 is not obvious over Choy in view of Long. Furthermore, Applicant respectfully submits that claim 16 is not obvious over Choy in view of Long in view of Ohshiro, for the reasons given above with respect to claims 1 and 11.

Applicant notes that he continues to believe that several other important features of the claims are not taught by Choy or Long, alone or in combination, as discussed by Applicant in detail in Applicant's replies to previous office actions. In addition, Applicant notes that the disagreement between the Examiner and Applicant regarding the meaning of "over" is moot, because all three independent claims recite that the guidewire passes through a bore of the gastrointestinal tool and/or is slidably disposed within the bore.

Applicant believes the amendments and remarks presented hereinabove to be fully responsive to all of the grounds of rejection raised by the Examiner. In view of these amendments and remarks, Applicant respectfully submits that all of the claims in

the present application are now in order for allowance. Notice to this effect is respectfully requested.

Respectfully submitted,

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